

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-02-072

Relating to the Amendments to the California Phase 3 Reformulated Gasoline Regulations to Postpone Imposition of the CaRFG3 Standards and the Prohibition of MTBE and Other Oxygenates from December 31, 2002 to December 31, 2003, Sections 2260 et seq., Title 13, California Code of Regulations

WHEREAS, on July 25, 2002, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments to the California Phase 3 Reformulated Gasoline (CaRFG3) regulations; the proposed amendments would postpone for one year the prohibition of the use of methyl tertiary butyl ether (MTBE) and other oxygenates other than ethanol in California gasoline, postpone for one year the imposition of the CaRFG3 standards, and make other changes.

WHEREAS, following the public hearing on July 25, 2002, the Board adopted Resolution 02-25, in which the Board approved the proposed amendments to sections 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2266.5, 2269, 2271, 2272, and 2296 of title 13, California Code of Regulations (CCR), as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 02-25 directed the Executive Officer (1) to incorporate into the approved regulations the modifications described in Attachment B thereto and such other conforming modifications as may be appropriate; (2) to make the modified regulations, with the modifications clearly indicated, available for supplemental public comment for a period of at least 15 days; (3) to consider any comments on the modifications received during the supplemental comment period; and then (4) consistent with the Resolution, either to adopt the regulations as made available with any appropriate additional nonsubstantial modifications, to make additional modifications available for public comment for an additional period of at least 15 days, or to present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, subsequent to the hearing, ARB staff identified a few additional conforming modifications that are appropriate to make the amended regulations work as effectively as possible;

WHEREAS, the text of modified version of the proposed regulatory amendments, reflecting the Board-approved modifications and the conforming modifications identified by staff after the hearing, were made available for a supplemental 15-day comment period starting September 17, 2002, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, one written comment was received during the supplemental 15-day comment period and this comment has been considered by the Executive Officer; and

WHEREAS, Attachment 1 hereto contains amendments to sections 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2270, 2271, 2272, and 2296, title 13, CCR, reflecting the modified regulatory text made available for the 15-day comment period.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 02-25 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 02-25 and Health and Safety Code sections 39515 and 39516, that the amendments to sections 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2270, 2271, 2272, and 2296, title 13, CCR, are hereby adopted as set forth in Attachment 1 hereto

Executed this _____ day of November, 2002, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment